

Application No. 10/695,404
AMENDMENT UPON FILING OF
REQUEST FOR CONTINUED EXAMINATION
Art Unit 3765

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REMARKS

By the preceding amendments, claim 1 has been amended to be now directed to a pair of protective pants having an upper region, which when worn covers "a wearer's torso, between the wearer's waist and the wearer's legs[.]" The undersigned attorney submits that, therefore, previously raised issues as to whether chaps or leggings were pants have become moot.

Claim 1 continues to call for the lower region of each leg portion having "a layer of puncture-resistant material, which is made from a cloth fabric, extends upwardly from the lower end of said leg portion, and surrounds the lower end of said leg portion and which is resistant to puncture by snakes or by thorny or spiky plants[.]"

By the preceding amendments, claim 1 has been amended to incorporate subject matter from claim 2 and, thus, to recite "wherein the upper region of each leg portion has an outer layer of abrasion-resistant material, and wherein only the lower region of each leg portion has the layer of puncture-resistant material."

The undersigned attorney submits that no modification of the legging of Parker *et al.* (US 3,269,036) in view of Hightower, Jr. (US RE32,506) would result in the pair of protective pants claimed in claim 1, as amended by the preceding amendments. Specifically, the resultant legging when worn would not cover a wearer's torso, between the wearer's waist and the wearer's legs. The undersigned attorney submits, therefore, that claim 1, as amended by the preceding amendments, is patentable and should be now allowed.

By the preceding amendments, claim 2 has been amended to eliminate what would have been duplicative recitations, if they were not eliminated. The undersigned attorney submits that claim 2, as amended by the preceding amendments, is patentable for the reasons that claim 1, as amended by the preceding amendments, is patentable.

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Claim 3 continues to recite that "the upper portion and the leg portions, from the upper portion to the lower ends of the leg portions, have one or more inner layers." Claim 4 continues to recite that "the upper portion and the upper regions of the leg portions have an outer layer of abrasion-resistant material, wherein the upper portion and the leg portions, from the upper portion to the lower ends of the leg portions, have one or more inner layers, and wherein only the lower region of each leg portion has the layer of puncture-resistant material." The undersigned attorney submits that claims 3 and 4 are patentable not only for the reasons that claim 1, as amended by the preceding amendments, is patentable but also for the reasons that neither Parker *et al.* nor Hightower, Jr., discloses or suggest that an upper portion has or could have one or more inner layers.

In column 1, lines 57-58, Parker *et al.* describes "a sheet of fabric 11, such as heavy duty canvas or the like," but does not disclose or suggest one or more inner layers. Hightower, Jr., does not disclose even one layer within the disclosed leggings, which can be "doubled up", as shown in Figure 3 and described in column 2, lines 40-46. The undersigned attorney submits, therefore, that claims 3 and 4 are patentable over Parker *et al.* in view of Hightower, Jr.

The undersigned attorney invites the primary examiner to telephone him if any issues remain unresolved.

Respectfully submitted,

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